

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

R. BRUCE JOSTEN  
EXECUTIVE VICE PRESIDENT  
GOVERNMENT AFFAIRS

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WASHINGTON, D.C. 20062-2000  
202/463-5310

August 4, 2010

The Honorable Kay Bailey Hutchison  
United States Senate  
Washington, DC 20510

Dear Senator Hutchison:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, thanks you for introducing S. 3673, the "Patients' Freedom to Choose Act of 2010," which would repeal limitations on Health Savings Accounts (HSAs) and Flexible Spending Arrangements (FSAs) included in the Patient Protection and Affordable Care Act (PPACA). The Chamber strongly supports consumer-driven health options like HSAs and FSAs, and urges Congress to enact legislation that promotes these and other strategies to put patients in the driver's seat in dealing with health care costs.

This legislation would eliminate two provisions that were included in PPACA, both of which made consumer-driven health options less useful to consumers. The first is a ban on the use of tax-free HSA and FSA funds to purchase over-the-counter products without a prescription, and the second is a hard cap of \$2,500 on FSA contributions. These changes may have produced revenue on paper, but they are both counterproductive in trying to bend the health care cost-curve and get costs under control.

The ability of consumers to use their tax-free health care funds to purchase products that have been deregulated is a net positive for health care costs; it eliminates the need for unnecessary visits to providers and empowers consumers. Taking this freedom away from consumers was a step in the wrong direction. Similarly, it should be within the prerogative of the consumer to determine how much they want to invest in an FSA, not the government. In restoring these freedoms, S. 3673 would put the power back into the hands of Americans, and promote policies that lead to more consumer engagement and eventually to getting a better handle on health care costs.

The Chamber appreciates your continuing efforts to promote free-market health care solutions and looks forward to working with you to enact this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten", is written over a light blue horizontal line.

R. Bruce Josten